

**North Yorkshire Council**

**Community Development Services**

**Richmond (Yorks) Area Planning Committee**

**15<sup>th</sup> January 2025**

**ZB24/02074/FUL- New one and half storey traditionally built building for ground floor garaging and first floor office and games room/gym.**

**At: May-Zac, Church Street, Well**

**On Behalf Of: Mr Tom Dunnington**

**Report Of The Assistant Director Planning– Community Development Services**

**1.0 PURPOSE OF THE REPORT**

- 1.1 To determine a planning application for the construction of garaging with first floor office/games room/gym accommodation within the curtilage of a dwelling named May-Zac located at the eastern end of Well on the north side of Church Street.
- 1.2 This application is brought to the Planning Committee at the request of A Member of the Council.

**2.0 SUMMARY**

- 2.1 **RECOMMENDATION:** That planning permission be **REFUSED** on the basis of the reasons set out in Section 12 of this report.
- 2.2 The proposed development comprises the construction of garaging/builder's storage with first floor office and games room/gym accommodation within the curtilage of a dwelling named May-Zac located at the eastern end of Well on the north side of Church Street.
- 2.3 This application is the third proposal received in recent years for the construction of a building within the curtilage. A recently refused application (ref no. ZB24/00627/FUL) is currently the subject of an appeal (Planning Inspectorate ref no. APP/U2750/W/24/3352390) and a decision by the Planning Inspectorate is anticipated in January 2025.
- 2.4 This revised proposal involves the construction of a detached 1 ½ storey range located on the eastern extent of the curtilage adjacent to the watercourse. The proposal would be 7.5m x 20m in dimension to provide a 150 sqm footprint (gross external area). The submitted plans indicate the ground floor would provide 5 garage bays divided into two parts, with two bays to provide building plant and tool storage and 3 bays to provide garaging and domestic storage. The first floor would provide c.52 sqm (gross internal area) of office space and c.77 sqm (gross internal area) of games room/home gym space. Both of

the first floor areas would be accessed via independent external steps located at the north and south gable ends of the proposed building.

- 2.5 Given the previous site history, reference to the principle of development in this location together with the quantum of floorspace proposed and the resultant layout, scale, form and appearance of the proposed development are the key considerations.

### ZB24/02074/FUL



Scale: 1:1250

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## 3.0 PRELIMINARY MATTERS

- 3.1 Access to the application documents (via Public Access) can be found here:-

[Planning Documents](#)

- 3.2 The following relevant planning history has been identified for the application site:

- 3.3 16/02527/OUT - Outline application for the construction of a detached dwelling (all matters reserved). Approved.
- 3.4 17/01994/REM - Application for approval of all reserved matters (access, appearance, landscaping, layout and scale) following Outline Approval for Application 16/02527/OUT (Construction of detached dwelling). Approved.
- 3.5 19/01218/FUL - Construction of a detached garage (with first floor games room) and provision of piers and wall adjacent to access (retaining most of hedgerow). Approved.
- 3.6 20/00906/FUL - Application for the construction of a detached domestic covered storage building. Refused with the following reasons for refusal:
1. The proposed development is considered to result in a contrived development form which will have a harmful impact on the character and appearance of the settlement of Well by resulting in a loss of open space and sense of spaciousness that contributes positively to the character and visual amenity of the area and will result in a harmful impact on the character of the countryside surrounding the village. The proposed development is considered to fail to meet the requirements of the Council's Interim Policy Guidance along with Development Policies DP10, DP30 and DP32 and the National Planning Policy Framework.
  2. The proposed development is considered inappropriate in the context of the Flood Zone 3 designation at this location. The proposed development would also impact on water attenuation measures approved within the development site. The proposed development is therefore Contrary to Development Policy DP43 and the National Planning Policy Framework.
- 3.7 21/02806/FUL - Proposed change of use of existing domestic garage to holiday let. Approved.
- 3.8 ZB24/00627/FUL - Construction of a garage, office and annexe accommodation. Refused for the following reasons:
1. The development of the application site would result in the loss of openness and visual amenity that is considered important to the character and appearance of this part of the village and would therefore fail the requirements of Local Plan policies E1 parts (a), (b) and (c) and E7 parts (b) and (e).
  2. The quantum of floorspace proposed together with the siting, scale, form and appearance of the building would appear incongruous within the context and would therefore fail the requirements of Local Plan policy E1 parts (a), (b), (c), (l), (m) and (p).
- 3.9 This refused application currently the subject of an appeal (ref no. APP/U2750/W/24/3352390). The LPA has provided a Statement of Case in response to the

submission of the appeal and the Appellant has provided a further response to the LPA's comments in November 2024. A decision on the appeal is anticipated to be made by the Planning Inspectorate in January 2025.

#### **4.0 SITE AND SURROUNDINGS**

- 4.1 The site lies at the east end of Well on the north side of Church Street, beyond the boundary of the Well Conservation Area. The site is occupied by a two storey, five bed roomed dwelling. The eastern side of the curtilage, closest to the beck, lies within Flood Zones 2 and 3, which are the areas of highest flood risk. In recent years planning permission was also granted for the change the use of the garage block to a holiday let comprising two bedrooms, bathroom and kitchen/living area. Access to the property is via a gated entrance from Church Street to the east of the dwelling. Overhead cables cross the site in north/south direction over the vehicle entrance.
- 4.2 The site is bounded by the road to the south; by the dwelling known as The Old Byre to the west; by the watercourse to the east; and agricultural land to the north. The village play area lies on the opposite side of the road to the south. Planning permission has recently been granted for the construction of a two storey dwelling on the east side of the beck (ref no. ZB23/00822/FUL) and this is currently under construction.
- 4.3 Short distance views to the application site are possible along Church Street and longer distance views are possible from the surrounding highway network and public footpaths in the vicinity.

#### **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 In June 2024 planning permission was refused for the Construction of an L-shaped garage, office and annexe accommodation block (ref no. ZB24/00627/FUL). As noted above this is currently the subject of an appeal with a decision expected in January 2025 appeal ref no. APP/U2750/W/24/3352390).
- 5.2 During the course of the application the description of the development was amended to reflect the submitted drawings. This revised application proposes a single 1 ½ storey range located on the eastern edge of the complex adjacent to the watercourse. The proposal would be 7.5m x 20m in dimensions to provide a 150 sqm footprint (gross external area). The submitted plans indicate the ground floor would provide 5 garage bays divided into two parts, with 2 bays for building plant and tool storage and 3 bays to provide garaging and domestic storage. The first floor would provide c.52 sqm (gross internal area) of office space and c.77 sqm (gross internal area) of games room/home gym space. Both of the first floor areas would be accessed via independent external steps located at the north and south gable ends of the proposed building.

#### **6.0 PLANNING POLICY AND GUIDANCE**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

#### Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is:  
Hambleton Local Plan, February 2022

#### Emerging Development Plan – Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

#### Guidance - Material Considerations

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2023 (NPPF)
  - National Planning Practice Guidance (PPG)
  - National Design Guide 2021 (NDG)

### **7.0 CONSULTATION RESPONSES**

- 7.1 The following consultation responses have been received and have been summarised below:

- 7.2 Well Parish Council – No response received (expired 29.11.2024).

- 7.3 Environment Agency – Note the comments from their previous response (to refused application ZB24/00627/FUL) still stand and therefore have nothing further to add. For completeness their previous comments are noted below:

We have no objection to the proposal, provided it is built in accordance with the submitted FRA. However, we strongly advise that flood proofing measures are incorporated into the development as well and an evacuation plan, as it still stands the development will be in flood zone 3 going of our flood map for planning map. They can challenge the flood map for planning flood zones if they wanted too. Flood resistance and resilience - advice to LPA/applicant: We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

- 7.4 Highways – No objection subject to conditions relating to a construction management plan and debris on highway.

7.5 Neighbour notification (expired 29.11.2024) and site notice (expired 02.12.2024) – No responses received.

## **8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)**

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

## **9.0 MAIN ISSUES**

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Design
- Highways
- Flood risk and drainage
- Biodiversity net gain

## **10.0 ASSESSMENT**

Principle of development

10.1 Local Plan policy S5 defines the built form as:

“...the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. The built form excludes:

- a. any individual building or group of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement;
- b. any ribbon development attached to the main part of the settlement where the buildings relate more to the surrounding countryside than to the main part of the settlement;
- c. gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement;
- d. agricultural buildings on the edge of the settlement; and
- e. outdoor sports and recreational spaces on the edge of the settlement.”

10.2 Local Plan Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations) it:

- conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area; (criterion b.); and
- protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)

10.3 Policy E1 (Design) states that all development should be high quality.... integrating successfully with its surroundings in terms of form and function... reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the relevant requirements of Policy E1 (amongst other less relevant considerations):

- Responding positively to its context...drawing key characteristics from its surroundings, including natural, historic and built environment to help create distinctive, high quality and well-designed places (criterion a.);
- Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.);
- Achieves a satisfactory relationship with adjacent development and does not have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns (criterion c.);

For residential extensions and ancillary development:

- The proposal respects the scale, massing and materials of the original dwelling and will not cause unacceptable harm to its character (criterion l.);
- There is no unacceptable harm caused to the character or appearance of the surrounding area or to the residential amenity of homes nearby (criterion m.);
- In the case of a detached residential annex, the annex is within the curtilage of the main dwelling, visually subordinate to the main dwelling, sited to ensure a clear functional link between the annexe and main dwelling and shares the same access, parking and garden areas. The Council may impose conditions on an annexe to ensure the annexe remains used for its intended purpose (criterion p.).

10.4 The application site is not considered to be a gap site within the built form of the village despite the ongoing construction of the dwelling to the east of the watercourse. Local Plan policy S5 provides exclusions from the built form and it is considered the development to the east of the watercourse is clearly detached from the main part of the settlement through the remaining land on both sides of the watercourse (the application site and extent of undeveloped area associated with new dwelling under construction on the north side of the highway) together with the playground and agricultural land on the south side of the highway. This context clearly demonstrates views to the north and south from the highway around the watercourse to the countryside beyond are possible and the application site better relates to the surrounding countryside rather than the built form of the village. Therefore, in accordance with Local Plan policy S5 the proposal is not considered to be within the built form and should not be considered as infill development. Furthermore, it is

considered that retaining the extent of existing curtilage as undeveloped garden area would not be inappropriate. Large garden areas are often found to the side of properties across the district. In this instance the garden forms part of the transition to the countryside beyond and affords views to the north from the public highway. On this basis it contributes to the openness of the area and it is not considered acceptable to develop the application site in the manner proposed.

- 10.5 The application site has been assessed by the Local Planning Authority in two previous planning applications as being of importance to the character and appearance of the settlement through the openness that contributes positively to the character and visual amenity of this part of the village. This openness has been eroded by the ongoing construction of the residential development on the east side of the beck. This in the view of officers enhances the importance of the break in development on the application site which would be lost as a result of the proposal. It is noted that the development under construction to the east sits c.20m away from the watercourse and is c.8m away from the highway to provide a significant gap within the streetscene. In contrast, the application proposal would sit c.4m away from the watercourse and would be c.5m away from the highway. As noted above there is distinct sense of openness in all directions around the watercourse. It is considered that the application site contributes to this openness and the proposals presented would erode its quality and function.
- 10.6 On the basis of the above the proposals would not respond positively to its context and would not contribute positively to local character. It would not conserve the natural features that contributes to the character of the local area and would not protect the landscape setting of this part of Well. The proposals therefore fail the requirements of Local Plan policies E1 parts (a), (b) and (c) and E7 parts b) and e).

## Design

- 10.7 The planning history of the appeal site notes that a previous proposal for a c.250sqm in footprint single storey domestic covered storage building was refused planning permission ref. no. 20/00906/FUL and a second proposal was also refused planning permission for a c.450 sqm of floorspace, with c.225 sqm at ground floor and c.225 sqm above (ref no. ZB24/00627/FUL). In addition, a garage structure, located to the rear of the dwelling was approved (ref no. 19/01218/FUL) and this provided c.74 sqm at ground floor for garaging with c.51 sqm above for a games room to provide a total of c.125 sqm of floorspace. The garage was subsequently approved for conversion to a holiday let (ref no. 21/02806/FUL).
- 10.8 The quantum of floorspace proposed (c.260 sqm gross internal area) is not considered to be ancillary to the host dwelling (c.358 sqm according to CIL register) and would therefore not provide any degree of subservience in this regard. It is also noted that the first-floor office of c.52 sqm and c.77 sqm games/gym room are considered to be excessive floor areas for ancillary accommodation given the context and relationship to the host dwelling.
- 10.9 Nevertheless, it is noted that following the implementation of the garage to holiday let permission, it is possible that replacement garaging of at least two bays may be required at



the site. The revised proposals provide three bays for vehicles and domestic storage and this is considered acceptable in principle for a five-bedroom dwelling. What is unclear and not justified is a further two bays are shown on the submitted plans for use as storage for builders plant/tools. No clarification has been provided by the applicant on this matter.

- 10.10 It is also important to note that the existing dwelling is a large 5-bedroom dwelling that includes a c.12 sqm ground floor study. The applicant has provided clarification that the ground floor study within the existing dwelling is not used for that purpose and instead is used as a family shared space whereas the proposed home office within the proposed outbuilding would provide a dedicated working area separate from the main house. However, no clarification has been provided as to where the current home office operates within the dwelling and the size of the room involved or indeed if any home working currently exists. Nevertheless, the provision of a home office is not uncommon, but it is considered that the size proposed is excessive. The submitted justification states that the proposed office would enable the applicant and his wife (when required) to work whilst also facilitating the storage of documents and records associated with the applicant's business in the building trade. It also noted that given that the first-floor accommodation is provided as a half storey within the roof space, the total usable floor space reduces to c.43 sqm where the headroom is below 1.5m in height. However, this does not restrict the use of the space below for 1.5m in height as storage space for cabinets and drawers. Even with the reduced floor space of c.43 sqm this clearly is a significant home office space for two users and therefore two desks with the associated storage of documentation.
- 10.11 With regard to the games room and gym the applicant has acknowledged this element as 'desirable' rather than 'essential' but considered the space to be reasonably proportioned in the context of the scale of the host property. The proposed space would be c77 sqm in total and reduced to c.64 sqm where the headroom is below 1.5m in height. Again, the quantum of space is considered to be excessive and is not justified with any specific details for gym equipment or requirements for the games room.
- 10.12 Officers consider the siting and design approach to be ill-considered, with no analysis of similar building types within the village or wider area provided within the drawings or documentation submitted with the application. The position of the range on the extreme extent of the curtilage provides a structure that poorly relates to the host dwelling. It is separated from the dwelling by c.28m and would result in the formalisation of a large hardstanding area to allow for vehicle access to the garaging. In addition, the structure does not sit on the edge of the carriageway or highway verge as one would expect. The range would be positioned behind the existing hedge line which is angled to accommodate the visibility splay to the access point to the west. The arbitrary siting and alignment behind a hedge results in a poor relationship to the streetscene that would not be reflective of a traditional design approach for such structures because the building line of the structure would form the enclosure.
- 10.13 The scale, form, design and appearance of the proposed ancillary building is not considered to be acceptable. The design approach to provide a single range with a

traditional design approach and materials is noted. However, and in a similar manner to the previously refused application, the proposed approach to the siting, orientation and relationship to the street together with the elevation design does not sit comfortably on the site or within the wider context and therefore would appear incongruous. In this instance, officers presume the intention is to provide an agricultural “barn-like” structure as a direct cross-reference to a traditional farmhouse with an adjacent complex of outbuildings. However, no analysis of vernacular farm buildings within this part of North Yorkshire has been provided to demonstrate how the proposals reflect local characteristics in terms of siting, design or appearance. Officers consider the intention is to provide a ‘granary’ type range with bays at ground floor with accommodation above. However, the proposed range would be 20m in length and this is not considered to be reflective of traditional ranges. Whilst it is noted that the eaves and ridge height of the proposed ancillary building would be lower than that of the host dwelling, the resultant massing would not appear to be subservient and would provide an over-bearing and incongruous element in this location.

- 10.14 Whilst the approach to provide cart-openings is noted, the style of the openings is not reflective of a traditional design approach in this part of the county. Traditionally, the openings would be defined by piers rather than the plane of the façade as proposed. Furthermore, the presentation of a facade with five equally proportioned openings is not reflective of a traditional design approach as suggested and would appear incongruous. Nevertheless, the external steps are acknowledged as a typical design feature albeit with railings to comply with current regulations. Furthermore, the use of rooflights close to the eaves level present a non-traditional design approach and are not considered to be an appropriate design response.
- 10.15 On the basis of the above the proposal is considered to fail the requirements of Local Plan policy E1 parts (a), (b), (c), (l), (m) and (p).

#### Highways

- 10.16 Local Plan policy IC2 notes that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. Proposals will only be supported where it is demonstrated compliance with a number of criteria. Of relevance to this proposal are:
- Development located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development (criterion a.);
  - Highway safety would not be compromised, and safe physical access can be provided to the proposed development from the footpath and highway networks (criterion e.);
  - Appropriate provision for parking is incorporated (criterion g.).
- 10.17 The Highways team has been consulted and raise no concern given the existing entrance point, subject to conditions relating to a construction management plan and debris on the highway. On this basis the proposal is considered to satisfy Local Plan policy IC2 relating to highways.

## Flood risk and Drainage

10.18 Local Plan policy RM2 notes the Council will manage and mitigate flood risk by:

- “a. Avoiding development in flood risk areas, where possible, by applying the sequential test  
and where necessary applying the exception test in accordance with national policy.
- b. Protecting areas of functional floodplain as shown on the Strategic Flood Risk Assessment,  
from development, except for water compatible uses and essential infrastructure.
- c. Requiring flood risk to be considered for all development commensurate with the scale and  
impact of the proposed development and mitigated where appropriate.
- d. Reducing the speed and volume of surface water run off as part of new build  
developments.
- e. Making space for flood water in high risk areas.
- f. Reducing the residual risks within areas of rapid inundation.
- g. Encouraging the removal of existing culverting where practicable and appropriate.
- h. Supporting development and management of flood alleviation schemes.”

10.19 The application site is located in floodzone 3 and the applicant has provided a flood risk assessment that notes that while the site is located the floodzone 3, the updated hydraulic modelling that uses local topographical survey data demonstrates a lower risk and is located within flood zone 1. With regard to surface water flooding the site is at a medium-low risk and it is considered that if the surveyed ground levels were taken into account, there would be a similar reduction in flood risk as shown by the fluvial modelling. Surface water accumulation is expected to occur in lower land to the north. The Environment Agency has been consulted on the application, and they note that the proposal is acceptable subject to compliance with submitted flood risk assessment and advise that flood proofing measures are incorporated into the development as well as an evacuation plan. On this basis and the proposal is considered to satisfy the requirements of Local Plan policy RM2.

10.20 It is noted that application ref no. 20/00906/FUL included impact on the approved water attenuation measures within the current application area as a reason for refusal. However, this is no longer the case because a subsequent approval of a discharge of condition application (ref no. 16/02527/DCN) provided a soakaway solution in a different location. Therefore, this is no longer a constraint within the redline boundary of the application area. It is considered that foul and surface water could be accommodated within the existing operational system at the complex, but this can be controlled via condition to secure satisfactory drainage for the new structure.

Biodiversity net gain

10.21 This is a householder application and is therefore exempt from the requirements of biodiversity net gain in accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1 The proposal for development in this location is not acceptable in principle and therefore does not comply with the relevant Local Plan policy in terms of principle or design and is not otherwise in accordance with local and national policy requirements.

## **12.0 RECOMMENDATION**

12.1 That Planning Permission be Refused for the reasons set out below:

1. The development of the application site would result in the loss of openness and visual amenity that is considered important to the character and appearance of this part of the village and would therefore fail the requirements of Local Plan policies E1 parts (a), (b) and (c) and E7 parts (b) and (e).
2. The quantum of floorspace proposed together with the siting, scale, form and appearance of the building would appear incongruous within the context and would therefore fail the requirements of Local Plan policy E1 parts (a), (b), (c), (l), (m) and (p).

**Target Determination Date:** 18<sup>th</sup> December 2024 (EoT agreed to 17<sup>th</sup> January 2025 )

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